

CITY OF ST. AUGUSTINE, FLORIDA

Planning and Zoning Board / Historic Architectural Review Board Joint Workshop Meeting  
January 28, 2004

The Planning and Zoning Board and the Historic Architectural Review Board met in a workshop session at 2:30 p.m., Wednesday, January 28, 2004, in the de Aviles Room at City Hall. The meeting was called to order and the following were present:

**1. ROLL CALL**

Matthew Baker, Chairman PZB  
Dana Ste. Claire, Chairman HARB  
Roy Barnes  
Gerald Dixon  
Leanna Freeman  
Todd Grant  
Roxanne Horvath  
Peter Rumpel  
Paul Weaver

Absent:

Sally Ann Freeman  
Harvey Simms  
James Solana

City Staff:

David Birchim, Planning Manager  
James Whitehouse, Staff Attorney  
Pam Halterman, Recording Secretary  
Chris Way, Owner, Way Marine Design  
Bobby Federer, Way Marine Design  
B J Kalaidi, Resident  
Jim Lowery, Savannah, Georgia

**2. DISCUSSION REGARDING  
PROPOSED MODULAR HOME  
ORDINANCE**

Mr. Birchim advised that the PZB had asked that the HARB attend the workshop because that board determined architectural design. He noted that if the proposed ordinance was adopted, the PZB would be required to review architectural design for appeals. He submitted a document to the board members that indicated a summary of the proposed ordinance. He explained that the proposed ordinance would mandate that all single-

family homes and duplexes consist of projections, such as a front porch or bay window. He noted that the ordinance also mandated that a nine-by-eighteen foot attached garage be placed on a house; only if five of the closest residences within 350 feet of the dwelling had garages. He stated that the ordinance was an attempt to make modular homes appear as site-built homes. Mr. Birchim directed attention to the board's packet, which included photographs of ten modular homes located within the City. He stated that most of the homes in the photographs did not appear as modular

structures and most had created projections; therefore, most would comply with the proposed ordinance. He advised that the board members needed to establish whether it was necessary to create such a law. He noted that the homes in the photographs were the most recently installed modular structures in the City.

Mr. Grant suggested that none of the homes in the photographs conformed because they did not have attached stairs to the structure, which was part of the criteria.

Mr. Birchim concurred that some of the homes did not comply with Code. He noted that if a house was placed perpendicular to the street the projection requirements would become more onerous. He explained that if the building was parallel to the street, like a ranch style house, the projection requirement would involve a three foot area such as a stoop. He stated that if the building was perpendicular to the street, which most houses in St. Augustine were, twenty percent of the longest wall would become the dimension requirement of the projection. He suggested that the intent of the proposed ordinance was to make modular homes not appear as trailers by installing some type of distinction linearly along the road frontage.

Mr. Birchim stated that the proposed ordinance would apply to every single-family house and duplex in the City, not just modular homes. He noted that according to the language of the ordinance, the Director of the Planning and Building Department would determine whether a structure complied with Code. He stated that if it was determined that the structure did not comply

the applicant would be required to come before the PZB to obtain a waiver to the guidelines. He said that if the required nine-by-eighteen foot garage would cause one to exceed lot coverage or encroach into the setbacks, the applicant would be required to obtain a variance from the PZB. He explained that one set of regulations would mandate a requirement; however, the existing Code specified that they could not obtain a variance without board approval to include a legal determination based on a property boundary hardship.

Mr. Grant questioned whether the ordinance would be considered the hardship for an applicant.

Mr. Birchim advised that the ordinance could be considered the hardship if the criteria for the variance changed to include the proposed ordinance; although the variance was currently based on the size, shape and topography of the property and not land development regulations.

Ms. Freeman asked what generated the proposed ordinance.

Mr. Birchim advised that a commissioner had voiced concern about modular homes being placed in the West Augustine area. He stated that approximately ten modular homes had been constructed in the past six years. He suggested that the proposed ordinance would affect single-family site-built homes dramatically more than modular homes. He added that the ordinance was based on an ordinance already adopted by the City of Jacksonville.

Ms. Horvath questioned whether the City of Jacksonville had seen any problems with the ordinance.

Mr. Birchim advised that he had contacted Jacksonville but had not received a response from his inquiry. He directed attention to another proposed ordinance created by Mayor Gardner, which involved citywide architectural guidelines. He advised that the ordinance had been written vaguely and lacked details, which would cause it to be vague and unenforceable. He noted that the City Commission had recognized that the ordinance could not be enforced in its current form. He explained that a distinction existed between the modular home ordinance and the one Mayor Gardner had proposed at the Commission meeting held on January 26, 2004. He stated that the City could enforce the proposed modular ordinance because enough detail existed. He noted that Mayor Gardner's proposed ordinance appeared as an outline of an ordinance and it could not be enforced without dramatic changes.

Ms. Freeman asked what response the Commission offered.

Mr. Birchim clarified that the proposed modular ordinance had not been seen by the City Commission, because Commissioner Jones had brought it directly to the PZB and asked for the boards' recommendation before he would present it to the Commission.

Mr. Ste. Claire questioned how the City currently regulated modular homes.

Mr. Birchim advised that modular structures were regulated the same way as site-built homes.

Mr. Ste. Claire stated that the City would not be inundated with out-of-compliance modular homes.

Mr. Birchim stated that the City lacked aesthetic guidelines in West Augustine; therefore, all new construction could be constructed according to one's own personal aesthetics. He noted that the Commission desired the boards to consider more control over personal aesthetics.

Mr. Dixon suggested that it was an attempt to change the City into a gated community. He noted that land values had increased along with the maximization of structures.

Mr. Barnes stated that the HARB regulated the architecture in the HP districts; however, to apply that scrutiny to the entire City would be unfair and it appeared to be riding on the coattails of the proposed aggregation ordinance. He suggested that the City needed more structures in the non-sensitive areas, out of the HP districts, to gain a larger tax base. He stated that he was opposed to the proposed ordinance for those reasons.

Mr. Dixon suggested that density would not become an issue in the City. He noted that the PZB typically viewed applications for an increase in lot coverage in order to add a master bedroom and bathroom. He stated that the board would see houses getting larger, as opposed to tearing down large houses to construct two smaller houses.

Mr. Barnes explained that the City had current building codes which governed the quality of structures for public safety and setback requirements and other regulations to deal with the situation. He suggested that it was an excessive attempt to endless regulations for the City's citizens. He stated that people had money available to fight with legal action to accomplish what one desired no matter what regulations existed. He voiced that the HP districts needed to be protected along with the quality of the town and services.

Mr. Baker concurred with Mr. Barnes. He stated that the attempt to regulate aesthetics would create a giant homeowners association.

Mr. Weaver stated that he had received some telephone calls regarding the Mayor's proposed ordinance. He said a mechanism was in place that involved the State's model guidelines for historic areas, which was used by the City for the Colonial City. He stated that those guidelines should only be used for the historic districts or on an individual neighborhood basis. He suggested that the proposed ordinance was unenforceable and politically untenable to handle at a citywide level. He noted that the 1985 Comprehensive Plan had included goals and objectives for historic preservation at the neighborhood level. He suggested that the way to handle it was through community meetings, workshops and joint PZB/HARB meetings.

Mr. Birchim clarified that the idea was to produce guidelines at a neighborhood level with grassroots input, instead of a broad citywide level.

Mr. Weaver suggested that a need and desire existed in certain areas of the City.

Mr. Grant stated that recent comments had been received from Lincolnville's neighborhood association during various Commission meetings in which they would like to include certain regulations for their area. He suggested that it be allowed if a percentage of a neighborhood agreed to specific regulations. He stated that more problems would arise if the proposed ordinance involved the entire city.

Mr. Rumpel advised that the HARB had attempted to suggest that Lincolnville develop their own guidelines to be reviewed by the HARB, but those citizens adamantly turned down that suggestion.

Mr. Weaver stated that Lincolnville citizens had felt that it would be an additional layer of regulations and impediment at a time when the neighborhood was attempting to revive itself. He suggested that the main concern for the City was new construction. He stated that the regulation should be excluded from existing building, which would limit some opposition.

Mr. Birchim suggested that at the next PZB meeting, the board could make a formal recommendation to the City Commission not to adopt the proposed guidelines, but ask the City Commission to consider and establish a system where each neighborhood would propose their own guidelines. He noted that those guidelines would need to be codified by the Commission.

Mr. Barnes suggested that the citizens of those neighborhoods be allowed to approach the situation on their own volition. He said the City could allow a neighborhood to halt what they found to be an unacceptable structure or trend in their area.

Mr. Grant questioned whether neighborhoods would be behind the eight ball with the construction of five or six of those structures already completed.

After some discussion, a few members agreed that one main concern involved mass and scale of buildings.

Mr. Grant stated that it was a good idea to proceed by way of the neighborhood liaison.

Mr. Birchim stated that the first question was whether the City needed to do anything, or if the boards desired to allow the situation to be handled by the neighborhood communities.

Mr. Rumpel stated that it should not be left up to the neighborhoods, but should involve a specific challenge and timeline with a statement of whether guidelines were needed and to specific what those guidelines involved. He suggested that the neighborhoods would need guidance.

Mr. Birchim stated that the situation was too complex and would require a hired consultant to assist the neighborhoods with that task.

Mr. Rumpel suggested that it would need to be an organized process with a time limit on when guidelines needed to be completed.

Ms. Freeman suggested that each neighborhood association could be asked if they would like the proposed ordinance applied to their neighborhoods.

Mr. Whitehouse advised that if it involved the proposed modular home ordinance, it would need to involve the entire city to avoid discrimination.

Ms. Freeman stated that she would like to review other samples of where the problem existed. She questioned whether the citizens felt a change was necessary.

Mr. Birchim stated that staff had not received comment for the public concerning the proposed ordinance, and only Commissioner Jones had voiced concern to staff.

Ms. Horvath stated that the proposed ordinance could be vastly improved.

Mr. Rumpel suggested that some regulations could be implemented that would not be too onerous, but to mandate design was not appropriate.

Ms. Horvath voiced that she was concerned about the diagonal placement of buildings on lots.

Mr. Birchim advised that no formal determination could be made that day, although, staff needed direction for the PZB to take formally at their regular meeting.

Mr. Grant stated that he would not vote in favor of implementing the proposed ordinance.

Mr. Rumpel stated that a diverse set of homes made a neighborhood more interesting.

Mr. Birchim asked the PZB members if they had an idea of how they wanted to proceed.

Mr. Baker stated that he was not comfortable implementing a citywide guideline.

Noting the public in attendance, it was asked if anyone desired to make comment.

Jim Lowery, Savannah, Georgia, stated that the proposed ordinance would increase the value of the Lincolnville neighborhood. He suggested that any newly proposed structure should be compatible with neighborhood buildings.

Mr. Birchim affirmed that Lincolnville was listed as a National Register District; however, it was not required to follow the historical preservation guidelines.

B J Kalaidi, St. Augustine, stated that most samples of modular homes were located on the west side of the City. She said the houses were being constructed as affordable housing for working people who could not attend daytime workshops and meetings that the City scheduled. She suggested that the boards had not dealt with West Augustine residents. She noted that many people in the community were living on just \$10,000.00 to \$25,000.00 per year and could not afford expensive houses. She stated that people were grateful to be able to construct modular homes. She asked the board to consider the poor people in the City, not just Lincolnville, but to focus on the entire City.

Mr. Ste. Claire stated that most of the board members supported Ms. Kalaidi's position on affordable housing. He said he was concerned when affordable housing came at the expense of historic structures, which appeared to be a national trend. He stated that one should encourage the adapted reuse of an existing historic structure. He suggested that if historic structures were not factored into the situation, the loss of historic fabric would continue in St. Augustine.

Mr. Dixon suggested that adding regulations and attempting to control size of structures would create an elitist and expensive society.

Mr. Barnes suggested that regulating volume could be a solution for the City.

Mr. Ste. Claire noted that as property values escalated one would see gentrification increase proportionally, and the proposed ordinance had the capability of accelerating the gentrification of many neighborhoods in the City.<sup>1</sup>

**3. PRESENTATION OF NO PROFILE BOATLIFT SYSTEM BY CHRIS WAY**<sup>2</sup>

Mr. Birchim advised that the City Commission had codified the PZB's recommended restrictions regarding boatlifts. He further added that the Code only involved boatlifts for single-family

<sup>1</sup> Mr. Birchim called at break at 3:49 pm and reconvened at 3:58 pm.

<sup>2</sup> Mr. Ste. Claire, Mr. Barnes, Mr. Rumpel and Mr. Weaver departed at 3:49 pm.

residences. He clarified that two lifts were allowed for single-family docks.

Chris Way, 39 Avista Circle, St. Augustine, made a presentation to the board members and offered the following points regarding the Mirage Boatlift he presently manufactured:

- ✦ Eliminated the visual aspects of a boatlift
- ✦ Hydraulic mechanism located in a powder coated aluminum box
- ✦ Three cables attached to one pulley
- ✦ Storage boxes below the deck level
- ✦ Water hose reel inside box
- ✦ Mirage elevator lift used for smaller boats or jet skis
- ✦ All parts could be installed flush to the deck
- ✦ Electric motor box could be installed in a garage away from the water
- ✦ Lack of a platform lift required one to step over the parallel beam to reach the boat resulting in a safety issue
- ✦ Lifts would have adjustable bunks to handle inclement weather
- ✦ Cost would only be 25 to 35 percent more than typical boatlifts
- ✦ No need to replace electric motors every three or four years due to corrosion
- ✦ No maintenance required
- ✦ 12 x 14 foot platform lift would cost approximately \$10,000.00, which would only be \$3,000.00 more than a regular lift
- ✦ Adjustable bunks to elevate boat above deck

Ms. Horvath suggested that multiple regular boatlifts compromised the value of waterfront lots.

Mr. Dixon stated that a low profile lift would help increase the price of waterfront properties.

Mr. Baker stated that the board could recommend a certain boatlift to applicants, although the decision whether to install that lift would remain with the dock owner.

After some discussion it was determined that scenic vista had not been defined in the Code.

Ms. Freeman stated that she remained concerned with commercial versus residential boatlifts. She said that one large boat was much less offensive than twelve boats on two lots. She noted that she was not in favor of the strict regulations that the board recommended to the City Commission. She suggested that commercial docks and lifts should have been addressed when the board made their recommendation to the City Commission.

Mr. Birchim advised that the board could make a recommendation to the Commission regarding commercial boatlifts.

Mr. Baker and Ms. Horvath concurred that the board had been consistent with their decisions regarding multiple boatlifts.

Ms. Freeman added that the City Commission had not adopted an ordinance for commercial boatlifts. She suggested that multiple lifts were much more of a problem than single-family lifts.

Ms. Horvath asked what it would matter if the board denied the request, but the City Commission overturned the board's decision.

Mr. Birchim clarified that the newly adopted ordinance limited the design of a lift and not the number of lifts.

Ms. Freeman stated that single-family docks were limited to one boatlift and one jet-ski lift, which had been adopted by the City Commission.

Mr. Birchim noted that he would distribute a copy of the newly adopted ordinance to the board members.

Ms. Freeman questioned why the developer on Tremerton Street was allowed eight lifts when the developer on Arricola Avenue would probably be denied a request for multiple boatlifts.

Mr. Baker agreed that the situation was questionable and said he had thought board consensus for lifts had been determined. He noted that the board had only approved multiple lifts at Pelican Reef, which had taken place after the boatlift workshop.

Mr. Dixon noted that the difference with that development at Pelican Reef involved single-family ownership and its location across from the City's sewer plant and near the bridge.

Ms. Freeman reiterated that single-family lifts were not a concern for her, but multiple lifts were troublesome.

Ms. Horvath suggested that the board be more observant of what went before the City Commission, because she was not aware that the Tremerton Street case had been appealed.

Mr. Birchim advised that board appeals were currently indicated on their agenda. He further added that the Chairman was notified and asked to attend the appeal hearing before the City Commission.

Mr. Baker stated that the board's decision had been rendered; therefore, it would not matter at that point if a member of the board attempted to present their case on an appeal.

Mr. Whitehouse suggested that many times it helped for a Chairman to speak on an appeal, because they could recall the discussion and points made during the board's determination. He noted that the order did not necessarily specify what the board had determined during the hearing.

Mr. Baker concurred with Mr. Whitehouse concerning the board's recommendations; but noted that it should not matter with appeals because the board had already made their determination.

Ms. Freeman suggested that if a member spoke on an appeal, they might offer something that was not part of the previous record.

#### **4. ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:20 PM.

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Matthew Baker, PZB Chairman

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Dana Ste. Claire, HARB Chairman

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Pam Halterman, Recording Secretary